



December 16, 2025

The Hon. Pamela Bondi
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

The Hon. John Eisenberg
Assistant Attorney General for National Security
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

Dear Attorney General Bondi and Assistant Attorney General Eisenberg,

We write to respectfully request that the Justice Department investigate Energy Foundation China (“EF-China”) and Center for Climate Integrity (“CCI”) for potential violations of the Foreign Agents Registration Act (“FARA”). While both entities are registered as U.S.-based 501(c)(3) charitable organizations focused on climate activism, there is substantial evidence that both have acted within the United States as unregistered agents of foreign principals.

EF-China is supervised by the National Development and Reform Commission—an arm of the Chinese government—and is led primarily by Beijing-based, “former” Chinese Communist Party (CCP) officials. For these reasons, Senator Cruz has called EF-China a “foreign policy weapon disguised as philanthropy [and] run by Chinese Communist Party operatives.” EF-China and CCI both also take substantial funds from, and are subject to control by, a CCP-aligned charity based in the United Kingdom called the Children’s Investment Fund Foundation (“CIFF”).

EF-China and CCI both engage in substantial political activities in the United States aimed at weakening the U.S. energy sector. These entities spend millions of dollars a year within the United States on political activities, such as litigation, lobbying, and public relations campaigns, designed to harm the U.S. energy sector and promote leftwing environmental policy. They have even paid for American politicians, such as California Governor Gavin Newsom, to travel to China to meet with CCP officials about environmental policy. Kansas Attorney General Kris Kobach testified before Congress that “[i]t is reasonable to suspect that the CCP, with its pervasive and multifaceted

efforts to hamstring American energy production in every way imaginable, may be funding some of the foundations and organizations that are in turn funding this nationwide litigation.”¹ All of this serves the CCP’s goal of undermining U.S. energy independence and increasing demand for renewable energy, where China can undercut U.S. manufacturers.²

Both entities seek to mislead the American public by presenting their political advocacy as the work of independent, American nonprofits who simply care about the environment. For instance, after the *New York Times* accurately described EF China as “an organization that works with the Chinese government on climate change issues,”³ it appears that EF China complained and convinced *the Times* to change its description of EF China to “a San Francisco-based organization that focuses on climate change issues in China.”⁴ Yet, as noted below, EF China’s “San Francisco office” is simply a co-working space home to, at most, three employees. Its real headquarters is Beijing, where it employs approximately 80 staff members, many with ties to the Chinese government and/or the CCP.

This state-sponsored campaign to covertly influence U.S. policy from within the United States to benefit of our chief adversary falls squarely within the Department’s policy of focusing FARA enforcement on activities “similar to more traditional espionage by foreign government actors.”⁵ Accordingly, we respectfully submit that an investigation into EF-China and CCI, and their affiliates is appropriate under the Foreign Agent Registration Act.

I. Background

A. The CCP-aligned Children’s Investment Fund Foundation

The Children’s Investment Fund Management (“TCIFM”) is a UK-based hedge fund management firm established by British billionaire Chris Hohn.⁶ CIFF began as TCIFM’s charitable arm, with TCIFM providing CIFF a portion of its fees as funding.⁷ The two entities subsequently split,

¹ *Enter the Dragon—China and the Left’s Lawfare Against U.S. Energy Dominance: Before the Senate Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights*, 119th Cong. (June 24, 2025) (statement of Hon. Kris W. Kobach, Attorney General, State of Kansas).

² See Isabel Hilton, *How China Became the World’s Leader on Renewable Energy*, YALE ENVIRONMENT 360, (Mar. 13, 2024) (China is the “world’s leader on renewable energy”), <https://e360.yale.edu/features/china-renewable-energy#:~:text=China%20has%20achieved%20stunning%20growth,to%20its%20national%20electricity%20system>.

³ Lisa Friedman and Somini Sengupta, *China Offers Panda Totes, but No New Commitments at Climate Talks*, N.Y. TIMES (Nov. 21, 2025), available at <https://archive.is/5o493#selection-4935.0-4938.0>.

⁴ See Lisa Friedman and Somini Sengupta, *China Offers Panda Totes, but No New Commitments at Climate Talks*, N.Y. TIMES (Nov. 25, 2025), available at <https://www.nytimes.com/2025/11/21/climate/china-climate-leadership-belem-cop30.html>.

⁵ Memorandum from Pam Bondi, U.S. Attorney General, General Policy Regarding Charing, Plea Negotiations, and Sentencing (Feb. 5, 2025).

⁶ TCI FUND MANAGEMENT, <https://www.tcifund.com/> (last visited Oct. 31, 2025); *Christopher Hohn Profile*, FORBES, <https://www.forbes.com/profile/christopher-hohn/> (last visited Nov. 3, 2025).

⁷ Jenny Anderson, *TCI Hedge Fund in Britain Ends Ties to Charitable Arm*, N.Y. TIMES, (June 18, 2014), <https://archive.nytimes.com/dealbook.nytimes.com/2014/06/18/tci-hedge-fund-in-britain-ends-ties-to-charitable-arm/>.

though TCIFM continues to provide CIFF with funding on a discretionary basis.⁸ As part of their ESG-driven activist agenda, Hohn and his investment vehicles appear to fund renewable energy and low carbon solution companies,⁹ where they “assess a range of ESG factors, particularly climate change risk” “[a]s part of [their] investment process,” and note their belief that “climate change-related risks . . . will have a material effect on a company’s long-term profitability, sustainability and investor returns.”¹⁰

CIFF is a registered charity in England and Wales.¹¹ Like TCIFM, “CIFF is committed to accelerating solutions that will mitigate climate change.”¹² Over the past decade, CIFF “has funneled more than half a billion dollars into U.S. activist organizations as part of a broader effort to push radical climate and DEI policy on U.S. soil.”¹³ In particular, CIFF has invested over \$800 million in climate change initiatives.¹⁴ That includes directing nearly \$65 million into climate change litigation, including a \$7 million grant to CCI (a main promoter of U.S. climate litigation)¹⁵—e.g., “strategic litigation against heavy emitters and financial institutions to force 1.5 C-aligned conduct”¹⁶—and \$200 million into energy-related initiatives—such as a \$29 million

⁸ *Id.*

⁹ For example: (1) Breakthrough Energy Ventures, “an investment firm seeking to finance, launch, and scale companies that will eliminate greenhouse gas emissions throughout the global economy”; (2) GameChange Capital LLC, “a private equity investment firm that has provided startup and growth capital to companies offering profitable and scalable solutions for reducing greenhouse gas emissions and using natural resources more efficiently”; and (3) a TCI subsidiary which “established a position in Atlantica Yield,” which “owns a portfolio of contracted renewable energy, power generation, electric transmission and water assets in North America, South America and certain emerging markets.” *See Development Ventures*, BREAKTHROUGH ENERGY, <https://www.breakthroughenergy.org/programs> (investing in “science-driven companies with the potential to cut at least 1% global greenhouse gas emissions”) (last visited Nov. 2, 2025); *GameChange Capital Overview*, PITCHBOOK, <https://pitchbook.com/profiles/investor/339761-35#overview> (investing in “renewable energy technology and infrastructure”) (last visited Nov. 2, 2025); ATLANTICA SUSTAINABLE INFRASTRUCTURE, <https://atlantica.com/about-us/> (operating an “extensive portfolio of renewable energy assets”).

¹⁰ *Our ESG Policy*, TCI FUND MANAGEMENT, <https://www.tcifund.com/ESG> (last visited Oct. 31, 2025).

¹¹ *The Children’s Investment Fund Foundation (UK)*, CHARITY COMMISSION FOR ENGLAND AND WALES, <https://register-of-charities.charitycommission.gov.uk/en/charity-search/-/charity-details/3989104> (last visited Oct. 31, 2025).

¹² *Climate Change*, CHILDREN’S INVESTMENT FUND FOUNDATION, <https://ciff.org/priorities/climate-change/> (last visited Oct. 31, 2025).

¹³ Audrey Fahlberg, *British Billionaire Christopher Hohn Bankrolls Social Justice, Climate Radicalism in U.S.*, NATIONAL REVIEW (Sept. 24, 2025), <https://www.nationalreview.com/news/inside-british-billionaire-christopher-hohns-efforts-to-bankroll-social-justice-climate-radicalism-on-u-s-soil/>. As explained by National Review, “Between 2014 and 2023, CIFF poured more than \$553 million into nearly 40 U.S.-based groups as part of a broader scheme to push DEI and radical environmentalist policies in America, according to a new report compiled by Americans for Public Trust (APT), a nonpartisan watchdog group that investigates nonprofit malfeasance.” *Id.* *See also* Americans For Public Trust, *Foreign Charities Fueling Extreme Policies in the U.S.*, (October 2025), <https://americansforpublictrust.org/reports/foreign-charities-fueling-extreme-policies-in-the-u-s/>.

¹⁴ CHILDREN’S INVESTMENT FUND FOUNDATION, *supra* note 12.

¹⁵ *Id.*

¹⁶ *2021 Annual Report*, CHILDREN’S INVESTMENT FUND FOUNDATION, 10 (2022), <https://ciff.org/wp-content/uploads/2023/10/CIFF-Annual-Report-2021-1.pdf>.

grant to a consortium including the Natural Resource Defense Council, Environment Defense Fund, and EF-China for “Green Energy Infrastructure for a Sustainable Belt and Road Initiative.”¹⁷

CIFF claims to provide strict oversight of grantees. Its grants, which it considers “investments,” are made only after “a full programme budget and mapped work plan is developed by the grantee and the [Foundation] sector teams during the due diligence,” and approvals are obtained by the Board and/or Programme Investment Committees.¹⁸ All grantees are contractually obligated to submit “performance reviews,” and the release of funding is “conditional upon adherence to the work-plan, budgets,” and other criteria and “milestones.”¹⁹

According to investigative reporting, “CIFF also has ties to the Chinese Communist Party.” In particular:

The Hohn-founded CIFF has also established itself as an ally of the Chinese Communist Party (CCP), nonprofit disclosures and social media posts uncovered by APT show. A since-deleted post on X shows CIFF CEO Kate Hampton speaking at the CCP’s International Green Development Coalition in 2019, characterizing the controversial Belt and Road Initiative’s (BRI) shift from “brown to green” as an “essential” step in combating climate change.... Hampton is a member of the CCP-aligned China Council for International Cooperation on Environment and Development and is a 2024 recipient of the “Friendship Award,” an honor bestowed by the Chinese government on foreigners who contribute to Beijing’s development in an array of sectors.

The Hohn-founded philanthropic organization is tied to a web of CCP-aligned organizations that are nominally aimed at promoting Beijing’s transition to green energy. “The British nonprofit has given millions to various organizations directly under the auspices of the Chinese government, including the National Renewable Energy Center, the Foreign Environmental Cooperation Centre (FECO), and Tsinghua University, which conduct energy and military research,” APT’s report reads. “CIFF is also a member of the donor steering committee for the Initiative for Climate Action Transparency (ICAT), which works in China to promote climate action. ICAT’s final report on a workshop in China was supported by CIFF, with numerous CCP officials contributing to its creation.”

CIFF has also contributed to the Beijing-based group Energy Foundation China, a CCP-aligned left-wing organization that promotes anti-fossil-fuel advocacy in the U.S. In recent years, GOP lawmakers have raised concerns that its advocacy is aimed at promoting Chinese energy dominance. CIFF has also funneled money into

¹⁷ *Green Energy Infrastructure for a Sustainable Belt and Road Initiative Grant Portfolio*, CHILDREN’S INVESTMENT FUND FOUNDATION, <https://ciff.org/grant-portfolio/green-energy-infrastructure-for-a-sustainable-belt-and-road-initiative/> (last visited Oct. 31, 2025).

¹⁸ 2023 Annual Report, CHILDREN’S INVESTMENT FUND FOUNDATION, 35 (2024), https://cdn.prod.website-files.com/647c85ed4fbc23bc120e986/66911fa38106447afff6b80d_CIFF%202023%20Annual%20Report.pdf.

¹⁹ *Id.*

the Rocky Mountain Institute, a CCP-connected climate group that promotes policies aimed at phasing out gas stoves in the U.S.²⁰

B. The Center for Climate Integrity and The Institute for Governance and Sustainable Development

From January 2018 through September 2020, CIFF gave more than \$7 million to the Center for Climate Integrity (“CCI”) in partnership with the Institute for Governance and Sustainable Development (“IGSD”).²¹

1. CCI

Originally “conceived and developed . . . by litigators with extensive experience litigating against the fossil fuel industry and blocking industry efforts to obtain liability waivers from Congress,”²² CCI began in 2017 as an initiative of IGSD, discussed below.²³ CCI appears to have become an independent entity in 2021.²⁴ CCI’s climate-related activities within the United States are extensive. Both before and after its separation from IGSD, CCI has worked closely within the United States with climate activists in recruiting climate plaintiffs, promoting climate litigation, lobbying officials to file suit, and serving as a litigation support shop for plaintiffs.²⁵ For example,

²⁰ NATIONAL REVIEW, *supra* note 13.

²¹ *Center for Climate Change Integrity Grant Portfolio*, CHILDREN’S INVESTMENT FUND FOUNDATION, <https://ciff.org/grant-portfolio/center-for-climate-integrity/> (last visited Oct. 31, 2025). From public records, we have been unable to assess whether CIFF has continued to provide funds after that year, but the statute of limitations for FARA does not run from the last provision of money. Rather, it runs from the time the entity stops acting as a foreign agent. The activities supported even with funds provided through 2020 continued into 2025 in at least some instances.

²² *Institute for Governance & Sustainable Development Grantee Profile*, MACARTHUR FOUNDATION, <https://www.macfound.org/grantee/institute-for-governance--sustainable-development-40447/> (last visited Oct. 31, 2025).

²³ *The Center for Climate Integrity*, INSTITUTE FOR GOVERNANCE & SUSTAINABLE DEVELOPMENT, <https://web.archive.org/web/20210425103332/http://www.igsd.org/initiatives/the-center-for-climate-integrity/> (last visited Oct. 31, 2025).

²⁴ See Maxine Joselow, *Why Exxon Hates the Rockefellers, Its Founding Family*, POLITICO, (May 4, 2021), <https://www.eenews.net/articles/why-exxon-hates-the-rockefellers-its-founding-family/#:~:text=Until%20last%20month%2C%20the%20Institute%20for%20Governance,through%20a%20%60%60Pay%20Up%20Climate%20Polluters%27%27%20campaign.>

²⁵ See, e.g., *Center For Climate Integrity’s 2022 Form 990*, PROPUBLICA (2022), <https://projects.propublica.org/nonprofits/organizations/821659823/202300979349300120/full>, for amounts spent on lobbying activities; Spencer Walrath, *Revealed: Foreign Billionaire Behind the Group Pushing American Cities to Sue Energy Producers*, ENERGY IN DEPTH (Jan. 8, 2020), <https://cityclimatecorner.com/episodes/honolulu-and-maui-sue-big-oil>; <https://eidclimate.org/revealed-foreign-billionaire-behind-the-group-pushing-american-cities-to-sue-energy-producers/> (“CCI has hired a lobbyist to arrange meetings between city officials and the plaintiffs’ attorneys leading these lawsuits while also pursuing an aggressive public relations campaign to promote litigation via billboards, a podcast, social media, events, and media outreach. But, CCI has never disclosed that it is primarily funded by a single foreign billionaire. . . . CCI . . . continues to target municipalities across Florida in search of new plaintiffs for the climate litigation crusade.”); *The Fight for Polluter Accountability: Congress and Climate Litigation Registration Page*, ACTION NETWORK (Sep. 22, 2020) (allowing viewers to register for a webinar titled, “The Fight for Polluter Accountability: Congress and Climate Litigation”, co-sponsored by CCI and Chesapeake Climate Action Network), <https://actionnetwork.org/events/the-fight-for-polluter-accountability-congress-and-climate-litigation-registration-page>.

CCI's efforts have been integral to both the decisions of several U.S. states to file climate lawsuits²⁶ and the creation of state-level bills seeking to extract significant value from energy producers.²⁷ Indeed, CCI's tax records indicate that, from 2021 to 2023, the group spent more than \$10.3 million on various efforts, including "support[ing] climate accountability litigation," "encourag[ing] new climate litigation; "support[ing] local partners in conducting, media and grassroots organizing campaigns . . . , " "support[ing] congressional investigations . . . , and support[ing] state legislators working to hold the oil and gas industry accountable"²⁸ In addition, CCI supported a wrongful death lawsuit brought by the daughter of a deceased woman alleging that oil and gas companies are to blame for her mother's death.²⁹ News outlets report that metadata establishes that CCI is ghostwriting her pleadings, and assisting with the surviving daughter's probate case in order to advance its foreign backers' anti U.S. oil-and-gas energy agenda.³⁰ Finally, CCI, in conjunction with one of its funders, the Rockefeller Family Fund, developed a report on plastics pollution that appears to have been designed to support groups litigating against energy companies in the United States. Shortly after the report was released, the California Attorney General announced a lawsuit

[climate-litigation/](#); Ken Adams & Richard Wiles, *ExxonMobil, other known polluters should pay for climate damage*, NJ.COM (Jan. 23, 2018) (CCI president co-signing an op-ed for NJ.com with CCI's coordinating counsel Ken Adams arguing that "known polluters" should be held accountable"), https://www.nj.com/opinion/2018/01/its_time_for_climate_polluters_to_pay_their_fair_s.html; See generally, *Honolulu and Maui sue Big Oil*, CITY CLIMATE CORNER (Mar. 1, 2022), <https://cityclimatecorner.com/episodes/honolulu-and-maui-sue-big-oil>.

²⁶ Press Releases, *Resolution Calling on N.J. to Sue Fossil Fuel Companies Gets Committee Approval*, CENTER FOR CLIMATE INTEGRITY (July 20, 2020), <https://climateintegrity.org/news/resolution-calling-on-n.j-to-sue-fossil-fuel-companies-gets-committee-approval>; CITY CLIMATE CORNER, *supra* note 25; Denise Antolini, Charles "Chip" Fletcher & Alyssa Johl, *Climate-change litigation for Hawaii*, HONOLULU STAR ADVERTISER (May 5, 2019), <https://www.staradvertiser.com/2019/05/05/editorial/island-voices/climate-change-litigation-for-hawaii/>.

²⁷ Press Release from the Office of State Senator Scott Wiener, *As LA Turns To Recovery, Senator Wiener Introduces Bill To Boost Insurance Affordability & Allow Victims To Recover Damages From Big Oil* (Jan. 27, 2025), <https://sd11.senate.ca.gov/news/la-turns-recovery-senator-wiener-introduces-bill-boost-insurance-affordability-allow-victims> (noting CCI "sponsored" a bill in California that seeks to "shift[] the burden of increased insurance costs away from California ratepayers to the fossil fuel companies"); H.B. 601, 2025 Gen. Assemb., Reg. Sess. (NH 2025) (two members of CCI's leadership network are co-sponsoring a New Hampshire bill which would give rise to potential civil and criminal liability for companies that "misstate the impacts of their business on the environment"); S.B. 682, Gen. Assemb., Reg. Sess. (Or. 2025) Oregon Senate Bill 682, 2025 Regular Session (members of CCI's leadership network are sponsoring an Oregon bill, which seeks to "recover the costs of climate damages"); S.B. 3545, Gen. Assemb., Reg. Sess. (N.J. 2025) (members of CCI's leadership network are sponsoring a New Jersey bill, which seeks to "impose[] liability on certain fossil fuel companies for certain damages caused by climate change").

²⁸ See e.g., *Center For Climate Integrity's 2021 Form 990*, PROPUBLICA, 3 (2021), <https://projects.propublica.org/nonprofits/organizations/821659823/202211259349302531/full>; IRS Form 990-PF, *Center For Climate Integrity's 2022 Form 990*, PROPUBLICA, 3 (2022), <https://projects.propublica.org/nonprofits/organizations/821659823/202300979349300120/full>; *Center For Climate Integrity's 2023 Form 990*, PROPUBLICA, 3 (2023), <https://projects.propublica.org/nonprofits/organizations/821659823/202441299349303349/full>.

²⁹ Thomas Catenacci, *A First-of-its-Kind Lawsuit Seeks Wrongful Death Climate Changes From Oil Companies. Sealed Court Doc Show a Rockefeller-Funded Green Group is Steering It*, THE WASHINGTON FREE BEACON, (Aug. 15, 2025), <https://freebeacon.com/energy/a-first-of-its-kind-lawsuit-seeks-wrongful-death-climate-damages-from-oil-companies-sealed-court-docs-show-a-rockefeller-funded-green-group-is-steering-it/>.

³⁰ See *Id.*

against Exxon for plastics pollution, and cites the report “over nine times, parrots its exact language, and makes nearly identical arguments.”³¹

The activities funded by CIFF continued into 2025.

2. IGSD

IGSD is a D.C.-based entity with a mission of “promot[ing] fast climate mitigation to slow near-term warming and self-propagating climate feedbacks.”³² In or around 2020, IGSD agreed to pay roughly \$500,000 of the City of Hoboken, New Jersey’s legal fees in connection with a climate change lawsuit.³³ The lawsuit accuses “Big Oil companies[] and the American Petroleum Institute . . . [of a] decades-long campaign of misinformation related to climate change and its devastating impact on Hoboken.”³⁴ As impact litigation targeting “Big Oil,” the Hoboken litigation inures to TCIFM’s financial benefit considering TCIFM’s investments in renewable energy and low carbon solution companies. The dynamics surrounding the Hoboken lawsuit are not unlike those described in the recently filed lawsuit, *Exxon Mobil Corp. v. Bonta et al.*, No. 1:25-cv-11 (E.D. Tex. Jan. 6, 2025), ECF 1. There, Exxon sued California Attorney General Rob Bonta and various nonprofits in connection with the “corrupting influence of foreign money in the American legal system,” and “the sordid for-profit incentives and outright greed that tries to hide behind so-called public impact litigation.” *Id.* ¶ 1. The Hoboken lawsuit was filed in 2022 and was dismissed by the state court in New Jersey in 2025. These actions, originally funded back in 2020, continued for years after the funding was provided, demonstrating continued actions as a foreign agent.

C. Energy Foundation China

In an archived version of its website, Energy Foundation China (“EF-China”) described itself as a “professional grantmaking charitable organization registered in California” that “is dedicated to China’s sustainable energy development.”³⁵ After originally “operat[ing] jointly with the United

³¹ Thomas Catenacci, *Deep-Pocketed Rockefeller Fund Behind California AG’s Lawsuit Against ExxonMobil, Official Says*, THE FREE BEACON (Oct. 29, 2025), <https://freebeacon.com/energy/rockefeller-fund-takes-credit-for-california-ags-lawsuit-against-exxonmobil/>

³² INSTITUTE FOR GOVERNANCE & SUSTAINABLE DEVELOPMENT, <https://www.igsd.org/about-us/> (last visited Oct. 31, 2025).

³³ *Nonprofit giving up to \$438K to lawyers pressing climate change litigation*, Legal Newsline (Aug. 16 2021) https://www.legalnewsline.com/nonprofit-giving-up-to-438k-to-lawyers-pressing-climate-change-litigation/article_cbe7be28-479e-4ffc-9956-0d52cb284503.html#:~:text=IGSD%20isn't%20a%20traditional,nature%20of%20the%20financial%20interest.

³⁴ *Hoboken Becomes First NJ City to Sue Big Oil Companies, American Petroleum Institute for Climate Change Damages*, HOBOKEN NJ WEBSITE, <https://www.hobokennj.gov/news/hoboken-sues-exxon-mobil-american-petroleum-institute-big-oil-companies> (last visited Oct. 31, 2025).

³⁵ ENERGY FOUNDATION CHINA, <https://web.archive.org/web/20250303215400/https://www.efchina.org/About-Us-en/Introduction-en> (last visited Oct. 31, 2025).

States Energy Foundation,” EF-China became a standalone entity in 2019 to “increase impact by empowering local decision-making and collaboration.”³⁶

EF-China and CIFF are closely linked. Hongpeng Lei, who served on EF-China’s Board until at least March 2025, is currently CIFF’s Director of Climate Change, and also is a Special Advisor of the China Council for International Cooperation on Environmental Development (“CCICED”).³⁷ At CIFF, Lei oversaw “CIFF’s regional strategy and implementation in East and South East Asia, including China as CIFF’s China Chief Representative.”³⁸ Before joining CIFF and CCICED, Lei worked for Ministry of Construction of the People’s Republic of China (“PRC”).³⁹ In addition, CIFF has given tens of millions of dollars to EF-China since 2020⁴⁰ and describes EF-China as “one of [its] strategic grantees that has been serving as a re-granter, facilitator, and strategic advisor in China for over 20 years.”⁴¹ In turn, EF-China has been active in the climate space in the United States—including through grantmaking and public engagement with domestic entities with substantial foreign financial support and direction.⁴²

EF-China also has deep ties with China, the world’s leader on renewable energy,⁴³ and may be operating as a tool for China’s preferred energy policies. EF-China’s CEO and President is Ji Zou.⁴⁴ Zou “previously served as a deputy director general of China’s National Center for Climate Change Strategy and International Cooperation, under the government’s National Development and Reform Commission” (“NDRC”).⁴⁵ The NDRC is a ministerial-level department of the PRC’s State Council and “implements the [Central Committee of the Chinese Communist Party’s (“CCP”)] policies and decisions on development and reform.”⁴⁶ Other current and former officers and employees of EF-China have also worked for the Chinese government or CCP in various

³⁶ *Id.*

³⁷ *Hongpeng Lei Biography*, CCICED, <https://cciced.eco/about/composition/special-advisors/lei-hongpeng/#:~:text=He%20also%20oversaw%20CIFF's%20regional,roles%20in%20global%20climate%20actions> (last visited Nov. 3, 2025).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ See *Energy Foundation China Initiative Grant Portfolio*, CHILDREN’S INVESTMENT FUND FOUNDATION, <https://ciff.org/grant-portfolio/energy-foundation-china/> (last visited Oct. 31, 2025); <https://www.efchina.org/About-Us-en/Funders-en> (listing CIFF as “Key Funder”).

⁴¹ *China Office*, CHILDREN’S INVESTMENT FUND FOUNDATION, <https://ciff.org/regions/china/> (last visited Oct. 31, 2025).

⁴² See *Reports*, ENERGY FOUNDATION CHINA, <https://www.efchina.org/Reports-en> (last visited Oct. 31, 2025).

⁴³ See Isabel Hilton, *How China Became the World’s Leader on Renewable Energy*, YALE ENVIRONMENT 360, (Mar. 13, 2024), China has been recognized as the “world’s leader on renewable energy.”

<https://e360.yale.edu/features/china-renewable-energy#:~:text=China%20has%20achieved%20stunning%20growth,to%20its%20national%20electricity%20system>

⁴⁴ *Zou Ji – Staff*, ENERGY FOUNDATION CHINA, <https://www.efchina.org/About-Us-en/Board-of-Directors-en/JiZou-en> (last visited Oct. 31, 2025).

⁴⁵ *Id.*

⁴⁶ *Main Functions*, NATIONAL DEVELOPMENT AND REFORM COMMISSION, <https://en.ndrc.gov.cn/aboutndrc/mainfunctions/> (last visited Oct. 31, 2025).

capacities, including key executives and members of its board of directors.⁴⁷ In addition, in an archived version of its website, EF-China states that “[its] China representative office is registered with the Beijing Municipal Public Security Bureau and supervised by” the NDRC.⁴⁸ These factors, among others, have led the House Energy and Commerce Committee to note EF-China’s “significant ties to the Chinese government” and express “alarm” that a “China-affiliated organization[]” may be “attempting to influence United States energy policy.”⁴⁹

EF-China has also signed numerous memoranda of understanding (“MOU”) with China-based entities and localities.⁵⁰ For example, EF-China has signed an MOU with the China Council for International Cooperation on Environmental Development (“CCICED”), which is a “high-level international policy advisory body to the Chinese government” that “aims to help China implement sustainable development strategies and build a resource-saving and environment-friendly society.”⁵¹ The goal of the CCICED MOU is to “to enhance the role of CCICED as an international platform, and help China, and other parts of the world, achieve low carbon and sustainable development, while also to advance international exchange and cooperation.”⁵² And in a 2022 China brief, the Jamestown Foundation notes that CCICED is an “umbrella organization” for China’s United Front, and that CCICED’s leadership consists of highly-ranked Communist party members and Chinese government officials, “suggest[ing] that CCICED also serves influence purposes, exploiting foreign government officials and NGO heads [] who are given what appear to be mere token positions on the council — for green-washing propaganda while receiving money.”⁵³ In addition, CCICED’s largest funder is the Chinese government, which contributes about \$5 million to the organization annually, according to information published in an “open

⁴⁷ See *infra* Part II.B.

⁴⁸ ENERGY FOUNDATION CHINA, <https://web.archive.org/web/20250303215400/https://www.efchina.org/About-Us-en/Introduction-en> (last visited Oct. 31, 2025).

⁴⁹ *Letter from House Energy and Commerce Committee Chair Cathy McMorris Rodgers, House Science, Space, and Technology Committee Chair Frank Lucas & House Natural Resources Committee Chair Bruce Westerman to Energy Foundation China President Zi Chou*, (Jan. 26, 2024) COMM. ON ENERGY AND COM. 1 (Jan. 26, 2024) https://republicans-science.house.gov/_cache/files/f/7/f7976cd4-2c20-4906-882c-9e4e4d3d7313/654BC612FB497BAAFC7D7B0CE3656BE95B8D3D9E7E65D1CF43B64320594D1106A.01-26-24-letter-to-energy-found-china-on-u-s-grants-b3fba617f2.pdf.

⁵⁰ See *EF China and CCICED Sign MOU for Cooperation*, ENERGY FOUNDATION CHINA, <https://www.efchina.org/News-en/EF-China-News-en/news-efchina-20210126-en> (last visited Nov. 1, 2025); *EF China and CCICED Tsinghua University and EF China Sign a MOU for Carbon Cooperation*, ENERGY FOUNDATION CHINA, <https://www.efchina.org/News-en/EF-China-News-en/news-efchina-20220924-en> (last visited Nov. 1, 2025); *EF China and Jiangsu’s Provincial Environmental Department Sign MOU for Cooperation*, ENERGY FOUNDATION CHINA, <https://www.efchina.org/News-en/EF-China-News-en/news-efchina-20221215-en> (last Nov. 1, 2025); *EF China and Hainan Continue Climate Cooperation with Renewed MOU*, ENERGY FOUNDATION CHINA, <https://www.efchina.org/News-en/EF-China-News-en/news-efchina-20230820-en> (last visited Nov. 1, 2025).

⁵¹ *Id.*

⁵² *Id.*

⁵³ Filip Jirous, *Make the Green Serve China: PRC Influence Operations Target International Environmentalism*, JAMESTOWN FOUNDATION (Sept. 9, 2022), <https://jamestown.org/program/make-the-green-serve-china-prc-influence-operations-target-international-environmentalism/>.

access book” on CCICED’s impact of environmental transformation in China.⁵⁴ The book, titled, *CCICED and Its Uniqueness for Both China and the World*, was published in November 2023 and was written by Yingmin Zhao, China’s Minister of Ecology and Environment, and Arthur Hanson of IISD.⁵⁵ EF-China has also reportedly entered agreements with the Chinese Ministry of Ecology and Environment, the Jiangsu Provincial Department of Ecology and the Environment, Hainan Province, and the Tongzhou District People’s Government of Beijing.⁵⁶

II. FARA

Absent an exemption, an individual or entity must register under FARA if it acts as an “**agent**” of a “**foreign principal**” and engages in certain activities that trigger registration. *See* 22 U.S.C. § 612(a). CCI, IGSD, and EF-China appear to have met each of these requirements.

A. Foreign Principal

FARA defines foreign principal to include “a government of a foreign country and a foreign political party,” as well as a “partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” *Id.* § 611(b); *see also* 28 C.F.R. 5.100(a)(8). The foreign entities and governments identified herein all appear to fall within this definition.

CIFF. As a U.K.-registered charity with headquarters seemingly in London,⁵⁷ CIFF appears to be an “organization” or “combination of persons organized under the laws of” a foreign country with a “principal place of business in a foreign country.” 22 U.S.C. § 611(b)(3). As a result, it qualifies as a foreign principal.

CCP and CCICED. The CCP, as “a foreign political party,” is also a foreign principal. *Id.* § 611(b)(1). So, too, is CCICED as an entity of a foreign government. *See, e.g., id.* § 611(b)(3)

B. Agency Relationships

“Agent of a foreign principal” is defined to include “[a] any person who acts as an agent, representative, employee, or servant, or [b] any person who acts in any other capacity at the order,

⁵⁴ YINGMIN ZHAO & ARTHUR HANSON, ENDEAVORING FOR CHINA’S ENVIRONMENT AND DEVELOPMENT TRANSFORMATION, 14 (2024), <https://link.springer.com/book/10.1007/978-981-99-7687-4>.

⁵⁵ *Id.*

⁵⁶ EF China and Jiangsu’s Provincial Environmental Department Sign MOU for Decarbonization, ENERGY FOUNDATION CHINA (Dec. 15, 2022), <https://www.efchina.org/News-en/EF-China-News-en/news-efchina-20221215-en>; EF China and Tongzhou District Sign MOU to Support Low Carbon Development, ENERGY FOUNDATION CHINA (Aug. 25, 2022), <https://www.efchina.org/News-en/EF-China-News-en/news-efchina-20220825-en>; Ministry of Ecology and Environment, WECHAT (Oct. 9, 2020), <https://archive.ph/PRwtc>; China and Hainan Continue Climate Cooperation With Renewed MOU, ENERGY FOUNDATION CHINA (Aug. 20, 2023), <https://www.efchina.org/News-en/EF-China-News-en/news-efchina-20230820-en>.

⁵⁷ Children’s Investment Fund Foundation (CIFF) Profile, WORLD ECONOMIC FORUM <https://www.weforum.org/organizations/the-children-s-investment-fund-foundation-ciff#:~:text=The%20Children%27s%20Investment%20Fund%20Foundation,in%20Nairobi%20and%20New%20Delhi> (last visited Oct. 31, 2025); CHARITY COMMISSION, *supra* note 11.

request, or under the direction or control, [i] of a foreign principal or [ii] of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal” and engages in specified activities. *Id.* § 611(c)(1); *see* 28 C.F.R. § 5.100(b) (defining control “[a]s used in the Act”). Each domestic entity appears to have—or had—an agency relationship with a foreign principal.

1. EF-China, CCI, and IGSD are Agents of CIFF within the United States. As outlined above, EF-China, CCI, and IGSD have all received millions of dollars of grants from CIFF, which generally claims that grantees are obligated to submit “performance reviews,” and that the release of funding is “conditional upon adherence to the work-plan, budgets,” and other criteria and “milestones.” Assuming CIFF followed that practice here, its requirements are strong evidence of an agency relationship. For example, an October 15, 2021 FARA Advisory Opinion addressing a grant to a domestic nonprofit concluded an agency relationship existed where (1) there was “a contract between the parties” that “obligated” the requester “to perform specified and detailed obligations for the benefit of [the foreign principal] in order to receive funding,” and (2) the requester, to continue to receive funding, had to provide “detailed narrative reports of its progress in achieving the objectives set out in the” parties’ agreement along with “a final narrative report at the completion of the project.”⁵⁸ Even in the absence of an express agreement, the requisite agency relationship may well have existed. According to a December 21, 2023 FARA Advisory Opinion addressed to a nonprofit, even contemplating an MOU or otherwise coming to a mutual understanding as to how a domestic entity could “support” a foreign principal’s initiatives can be sufficient.⁵⁹

2. EF-China Is an Agent of the PRC and the CCP. EF-China’s “China representative office is registered with the Beijing Municipal Public Security Bureau and supervised by” the NDRC.⁶⁰ The NDRC “implements the [CCP’s Central Committee’s policies and decisions on development and reform.”⁶¹ To the extent EF-China acts “at the order, request, or under the direction or control” of NDRC, it qualifies as the CCP’s agent. *See also* 28 C.F.R. § 5.100(b) (“As used in the Act, the term control or any of its variants shall be deemed to include the possession or the exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by contract, or otherwise.”). And, as the U.S. Supreme Court recently observed, the PRC’s national security laws give its intelligence agencies near-plenary power over Chinese companies “‘making companies headquartered there an espionage tool’ of China.”⁶²

EF-China’s MOU with CCICED is also strongly indicative of an agency relationship. As noted, a December 21, 2023 FARA Advisory Opinion addressed to a nonprofit indicated that contemplating an MOU or otherwise coming to a mutual understanding as to how a domestic entity could “support” a foreign principal’s initiatives can be sufficient. Here, not only is there an actual MOU—not just

⁵⁸ DOJ, FARA Unit, *Advisory Opinion*, at 3 (Oct. 15, 2021), <https://www.justice.gov/file/1191161/dl?inline>.

⁵⁹ DOJ, FARA Unit, *Advisory Opinion*, at 6 (Dec. 21, 2023), <https://www.justice.gov/nsd-fara/media/1355096/dl?inline>.

⁶⁰ ENERGY FOUNDATION CHINA, *supra* note 48.

⁶¹ NATIONAL DEVELOPMENT AND REFORM COMMISSION (NDRC) PEOPLE’S REPUBLIC OF CHINA, *supra* note 46.

⁶² *Tik Tok Inc. v. Garland*, 604 U.S. 56, 75-76 (2025) (quoting H.R. Rep. No. 118-417, at 4 (2024)).

a contemplated one—but also the MOU’s goal is to “enhance the role of CCICED as an international platform[] and help China, . . . while also advanc[ing] international exchange and cooperation.”⁶³ That relationship seems to fall squarely within the parameters DOJ outlined in the December 21, 2023 FARA Advisory Opinion.

Finally, ECF’s leadership includes several CCP members and former Chinese government officials. EF-China’s CEO and president is Ji Zou, who previously held a leadership role in the Chinese government’s National Center for Climate Change Strategy, which is part of the National Development and Reform Commission of the State Council. Other officers and employees of EF-China have also worked for the Chinese government in various roles, including Huiyong Zhang, EF-China’s Executive Director of International Cooperation, who previously served as director of the Secretariat of the China Council for International Cooperation on Environment and Development; Sha Fu, EF-China’s Executive Director of Strategy and Synthesis, who was an associate professor at China’s National Center for Climate Change Strategy and International Cooperation; and EF-China’s board member Hongjun Zhang, who once worked for the China National People’s Congress as well as China’s National Environmental Protection Agency (now called the Ministry of Ecology and Environment). Furthermore, David Vance Wagner, who was EF-China’s Vice President until October 2025, is an American citizen who previously “served as the first and only foreigner at China’s national vehicle emission policy research center” within the Chinese Ministry of Ecology and Environment. According to EF-China’s own website, as of March 2025, a total of 22 EF-China staffers have previously worked for Chinese government agencies, state-owned enterprises, state or CCP media, or other state-affiliated Chinese entities. And, as documented by U.S. watchdog groups and media outlets, many of EF-China’s former staffers likewise have held positions with various agencies or organizations controlled by the Chinese government or the CCP.⁶⁴

3. EF-China’s Small American Office Is an Agent of EF-China’s Much Larger Beijing Office. Under FARA’s functional definition of “agency,” an entity incorporated in the US that is, in fact, controlled by its foreign-based office can be an agent of that foreign principal. *See 22 U.S.C. § 611(c)(1)* (“agent” includes not just formal agents but persons who “in any other capacity” act “at the order, request, or under the direction or control, of a foreign principal or of a person”); *Attorney Gen. of U.S. v. Irish N. Aid Comm.*, 668 F.2d 159, 161 (2d Cir. 1982) (“In determining agency for the purposes of the Foreign Agents Registration Act . . . our concern is not whether the relationship can impose liability on [the] principal but whether the relationship warrants registration by the agent to carry out the informative purposes of the Act.”).

EF-China maintains a “representative office” in Beijing and, in 2024, reported having around 90 staff members based in China, and a majority of EF-China’s staff appears to work primarily from

⁶³ *EF China and CCICED Sign MOU for Cooperation*, ENERGY FOUNDATION CHINA (Jan. 26, 2022), <https://www.efchina.org/News-en/EF-China-News-en/news-efchina-20210126-en>.

⁶⁴ Robert Schmad & Philip Lencyzki, *Liberal Foundations Poured Tens Of Millions of Dollars Into Influence Environmental Org Tied To Chinese Government*, DAILY CALLER (Jan. 12, 2024), <https://dailycaller.com/2024/01/12/liberal-foundations-poured-tens-of-millions-of-dollars-into-influential-environmental-org-tied-to-chinese-government/>; STATE ARMOR REPORT, 7 (2025), <https://statearmor.org/wp-content/uploads/2025/06/State-Armor-Who-is-Energy-Foundation-China-Report.pdf>

its Beijing office.⁶⁵ By contrast, it appears that EF-China has just a few US-based employees, none of which appear to be part of ECF’s senior leadership team. And, per EF-China’s 2024 IRS Form 990, its San Francisco “headquarters” is actually part of a coworking space within an office building shared by multiple commercial tenants.⁶⁶

C. Registerable Activities

Many activities give rise to an obligation to register under FARA. For example, “solicit[ing], collect[ing], disburs[ing], or dispens[ing] contributions, loans, money, or other things of value for or in the interest of” a foreign principal requires registration. 22 U.S.C. § 611(c)(1)(iii). So too does engaging in “political activities for or in the interests of [a] foreign principal.” *Id.* § 611(c)(1)(i). Political activities include “any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States *or any section of the public within the United States* with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.” *Id.* § 611(o) (emphasis added).⁶⁷

The registerable conduct need not be directly driven by the underlying agency relationship. As DOJ has explained, when a nonprofit is in an agency relationship with a foreign principal, the nonprofit’s “political activities for and in the interests of its foreign principal[] constitute[s] registerable conduct under the Act . . . even if” the nonprofit “were to ‘retain all control over decision-making . . .’ because under the plain language of the statute, once an agency relationship is established, there is no requirement that the registerable conduct be specifically directed by the foreign principal.”⁶⁸

The activities of CCI, IGSD, and EF-China appear to fall squarely within these parameters. For example, CIFF’s sizeable grants suggest each has or is “disburs[ing] or dispens[ing] contributions, loans, money, or other things of value for or in the interest of” a foreign principal. *Id.* § 611(c)(1)(iii). In addition, each appears to be engaging in “political activities for or in the interests of [a] foreign principal.” *Id.* § 611(c)(1)(i):

i. CCI

1. CCI engages in political activities intended to “influence . . . the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States.” 22 U.S.C. § 611(o). CCI engages in wide-ranging efforts within the United States to influence federal and state officials as well as members of the public. For example, CCI’s website notes that it “[e]ducate[s] the public and policymakers about Big Oil’s role

⁶⁵ See The Energy Foundation, 2024 IRS Form 990.

⁶⁶ See *Welcome to 50 California Street*, <https://www.50cal.com/>.

⁶⁷ Acting in a public relations capacity or as a political consultant, publicity agent, or “information services employee” for or in the interests of a foreign principal all also require FARA registration. *Id.* § 611(c)(1)(ii); *see id.* § 611(g), (h), (i), (p) (defining these activities).

⁶⁸ DOJ, *supra* note 58 at 3.

in the climate crisis and ways to make polluters pay,” and “[p]rovid[es] resources, strategic guidance, and campaign support for communicates organizing to hold fossil fuel polluters accountable.”⁶⁹

As noted above, CCI’s tax filings are in accord.⁷⁰ CCI actively engages in quintessentially registerable activities:⁷¹

- “CCI conducts, and supports local partners in conducting, media and grassroots organizing campaigns designed to place climate accountability - the idea that climate polluters should be held financially responsible for the climate damage they’ve deliberately caused at the center of the climate debate. This includes sharing a wide range of capacities and resources with elected officials who join CCI’s leaders for climate accountability network, supporting congressional investigations designed to expose the oil and gas industry’s historic and ongoing climate deception, and supporting state legislators working to hold the oil and gas industry accountable for their role in causing the climate crisis.”
- “CCI designs, supports, publishes, distributes, and promotes original research intended to objectively quantify the costs of adapting public infrastructure to the impacts of climate change and to demonstrate the direct link between that damage and the actions of individual fossil fuel companies and associations. CCI also helps communities understand the specific types and costs of climate adaptation measures that are potentially recoverable through litigation, and the link between fossil fuel emissions and local and state level climate impacts.”

2. CCI “disburses, or dispenses contributions … money, or other things of value for or in the interest of [a] foreign principal” within the United States. 22 U.S.C. § 611(c)(iii). CCI supports climate change litigation in U.S. courts by providing funding and other “things of value” to groups litigating such cases. As stated on its website, “CCI champions a nationwide movement to expose the fossil fuel industry’s deception and demand accountability… [i]n courts, communities, and with elected officials.”⁷² And, according to CCI’s tax filings, “CCI supports climate accountability litigation by providing plaintiffs with key ‘smoking gun’ documents, the latest scientific findings, access to leading legal and scientific experts, localized, in-depth analysis of climate adaptation costs, and by filing carefully tailored amicus briefs. CCI also encourages new climate litigation by building policymaker support for climate accountability and by advising state and municipal officials on their cost recovery options.”⁷³ There is also evidence that CCI has

⁶⁹ *About Us*, CENTER FOR CLIMATE INTEGRITY, <https://climateintegrity.org/about#intro-block> (last visited Nov. 1, 2025).

⁷⁰ See Center For Climate Integrity, 2023 IRS Form 990, PROPUBLICA (2023), <https://projects.propublica.org/nonprofits/organizations/821659823/202441299349303349/full>.

⁷¹ *Id.*

⁷² CENTER FOR CLIMATE INTEGRITY, *supra* note 69 (emphasis added).

⁷³ CCI IRS FORM 990, *supra* note 70.

been ghostwriting complaints and legal briefs for plaintiffs' firm targeting U.S. energy companies, thus providing "things of value" in the form of free legal services.⁷⁴

As DOJ's FARA unit has already determined, funding litigation in the United States that a foreign principal deems in its interest is registerable activity under FARA because it involves distributing "money ... for or in the interests of [a] foreign principal."⁷⁵ Moreover, the FARA Unit also found that foreign funding of U.S. litigation is registerable "political activity" where, as here, the litigation is intended, not just to "redress a cognizable legal harm" to the plaintiff, but also to "highlight [certain] policy implications, spur legislative and rulemaking actions desired by [the foreign principal], and conform industry practices to [the foreign principal's] preferences."⁷⁶

CCI's activities continue to present day.

ii. IGSD

1. IGSD engages in political activities intended to "influence ... the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States." 22 U.S.C. § 611(o). For example, IGSD's website makes clear that it writes "[o]pinion pieces and editorials" and issues "publications" concerning climate change.⁷⁷ IGSD's website also includes an op-ed from its President, praising a court victory for a climate youth class action against the state of Montana, asserting that the court's findings in that action "make it clear what likely awaits all fossil fuel companies and other major climate polluters, as well as the states that harbor them."⁷⁸ Moreover, IGSD's funding of the Hoboken lawsuit likely constitutes "political activities" since it was likely intended to effect U.S. climate policy.⁷⁹

2. IGSD "disburses, or dispenses contributions ... money, or other things of value for or in the interest of [a] foreign principal" within the U.S. 22 U.S.C. § 611(c)(iii). As noted, IGSD directly funded Hoboken's climate lawsuit, which was intended to achieve foreign principal CIFF's energy policy objectives, and which continued into 2025.

⁷⁴ Thomas Catenacci, *A First-of-its-Kind Lawsuit Seeks Wrongful Death Climate Changes From Oil Companies. Sealed Court Doc Show a Rockefeller-Funded Green Group is Steering It*, THE WASHINGTON FREE BEACON (Aug. 15, 2025), <https://freebeacon.com/energy/a-first-of-its-kind-lawsuit-seeks-wrongful-death-climate-damages-from-oil-companies-sealed-court-docs-show-a-rockefeller-funded-green-group-is-steering-it/>.

⁷⁵ DOJ, FARA Unit, *Advisory Opinion*, at 7 (June 24, 2024) (quoting 22 U.S.C. § 611(c)(1)(iii)), <https://www.justice.gov/nsd-fara/media/1376971/dl?inline=>.

⁷⁶ *Id.*; see also *Exxon Mobil Corp. v. Bonta et al.*, No. 1:25-cv-00011, Dkt. 1, ¶ 6 (E.D. Tex. Jan. 6, 2025) (noting that DOJ's FARA Unit required a U.S. law firm to register because its lawsuit against Exxon Mobil was funded by a foreign charity).

⁷⁷ See *IGSD Opinion Editorials*, INSTITUTE FOR GOVERNANCE & SUSTAINABLE DEVELOPMENT, <https://www.igsd.org/op-eds/>.

⁷⁸ D. Zaelke & T. Chiemi, *The Climate Kids Are All Right — At Least in Montana, Following a Constitutional Victory*, THE MESSENGER (Aug. 2023), <https://web.archive.org/web/20240106005933/themessenger.com/opinion/the-climate-kids-are-all-right-at-least-in-montana-following-a-constitutional-victory>.

⁷⁹ See *supra* note 33 and accompanying text.

iii. EF-China

1. EF-China “disburses, or dispenses contributions … money, or other things of value for or in the interest of [a] foreign principal” within the U.S. 22 U.S.C. § 611(c)(iii). According to EF-China’s own tax filings, in 2023 alone it gave over \$156 million in grants to environmental and climate-focused groups, many of whom fund litigation and legislative advocacy across the nation.⁸⁰ As Senator Cruz has noted, this includes “substantial funding to … organizations seeking to shape United States energy policy.”⁸¹

According to *The Washington Free Beacon*’s analysis of EF-China’s tax forms, in 2023, EF-China gave a total of \$630,000 to Harvard College, the University of California, Berkeley, the UCLA, and the University of Maryland to support research and education on building a “clean energy future” and advancing “low carbon cities.”⁸² The same publication also notes that EF-China gave “another \$1.5 million to the following left-wing climate nonprofits: the Rocky Mountain Institute, International Council on Clean Transportation, Institute for Transportation and Development Policy, and Natural Resources Defense Council.”⁸³

In addition, public information shows that for more than a decade, Energy Foundation, the entity which was the predecessor to EF-China and US Energy Foundation, has directly supported climate litigation aimed at damaging the U.S. energy industry. Like the other climate litigation funders, Energy Foundation was amongst the earliest funders of climate litigation. By no later than 2011, the Energy Foundation provided climate tort lawyer Matthew Pawa’s “Global Warming Legal Action Project” \$150,000 to “support legal fees and expenses.”⁸⁴ The Global Warming Legal Action Project’s goals included applying a “tort law approach to global warming that will require major greenhouse gas emitters and fossil fuel companies” to pay for “their contributions to global warming.”⁸⁵ Undeterred by early court losses, the Energy Foundation and its allies continued to work with activists to refine their legal theories and develop additional studies they hoped would lead to new climate cases. Among other things, Energy Foundation funded research by Richard Heede⁸⁶, a plaintiffs’ consultant and an expert for plaintiff in a climate lawsuit filed by the County

⁸⁰ U.S. EFC, 2023 IRS Form 990.

⁸¹ McMorris Rodgers, Lucas, & Westerman, *supra* note 49 at 2.

⁸² Thomas Catenacci, *Ex-CCP Officials Funneled Millions to US Universities Nonprofits to Promote Green Energy, Tax Forms Show.*, THE WASHINGTON FREE BEACON (Dec. 10, 2024), <https://freebeacon.com/energy/ex-ccp-officials-steered-millions-to-us-based-green-groups-universities-for-climate-initiatives/>.

⁸³ *Id.*

⁸⁴ See The Energy Foundation, 2011 IRS Form 990, 11 (2011), https://990s.foundationcenter.org/990_pdf_archive/943/943126848/943126848_201112_990.pdf?_ga=1.250788166.1331159484.1375282676.

⁸⁵ *Global Warming Legal Action Project*, CIVIL SOCIETY INSTITUTE, https://web.archive.org/web/20131117012507/https://www.civilsocietyinstitute.org/global_warm_action.cfm (last visited Nov. 2, 2025).

⁸⁶ See Brenda Ekwurzel *et al.*, *The Rise in Global Atmospheric CO₂ Surface Temperature, and Sea Level From Emissions Traced to Major Carbon Producers*, CLIMATE CHANGE, 580 (Sep. 7, 2017), <https://link.springer.com/article/10.1007/s10584-017-1978-0>.

of Multnomah, who has spent the last two decades maintaining an index of oil and gas production that purports to blame Western oil and gas companies for global climate change.

The publicly available evidence also shows that the Energy Foundation, Energy Foundation China's predecessor, was a major funder of leading climate litigation proponents. For example, according to reports, the Energy Foundation has given the Union of Concerned Scientists, one of the most prominent and outspoken climate litigation supporters, at least \$21 million since 1998.⁸⁷ At least a portion of these funds have been used to generate reports to support climate litigation. In 2015, Energy Foundation provided funding for a Union of Concerned Scientists report titled, "The Climate Deception Dossiers: Internal Fossil Fuel Industry Memos Reveal Decades of Corporate Disinformation."⁸⁸ The report claims to "build a case for why these companies . . . must be held accountable for their share of responsibility for global warming and damages already underway."⁸⁹ Energy Foundation also helped fund a "Climate Accountability Scorecard" that purported to rank major fossil fuel companies on "climate deception" and asserted that they "bear particular responsibility for climate change."⁹⁰ EF-China, which took over the tax ID of the original Energy Foundation, continues to fund the Union of Concerned Scientists—in filings with the California Secretary of State, EF-China reported making \$200,000 in payments to Union of Concerned Scientists in the second quarter of 2025.⁹¹

Energy Foundation also funded a broad network of climate activists supporting climate litigation. These include, among others, the Niskanen Center which acts as plaintiff's counsel in the *Boulder* case; Brown University's Climate Social Science Network, whose members include climate plaintiff experts and consultants and which purports to "shed light on the actors and organizations engaged in climate obstruction" and assists climate "litigation teams" and dark money entities that pay Sher Edling's legal fees, including Resources Legacy Fund and the New Venture Fund.

Several climate activist groups—including the Energy Foundation—provided more than \$500,000 in grants to the Columbia Graduate School of Journalism.⁹² These grants directly funded the Energy and Environmental Reporting Project at Columbia University's Graduate School of Journalism for the purpose of "researching the gap between Exxon Mobil's public position and its internal planning on the issue of climate change." The results of the "investigation" were published in a series of articles, the first of which appeared in the Los Angeles Times on October 9, 2015. The publications also initially failed to disclose the project's activist funders, giving the work the

⁸⁷ Union of Concerned Scientists, INFLUENCE WATCH <https://www.influencewatch.org/non-profit/union-of-concerned-scientists-ucs/> (last visited on Nov. 1, 2025).

⁸⁸ See Kathy Mulvey & Seth Shulman, *The Climate Deception Dossiers*, UNION OF CONCERNED SCIENTISTS, (July 2015), <https://www.ucs.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf> (thanking The Energy Foundation in the Acknowledgments).

⁸⁹ *Id.* at 2.

⁹⁰ Kathy Mulvey et al., *The Climate Accountability Scorecard*, UNION OF CONCERNED SCIENTISTS, 1 (Oct. 2016), <https://www.ucs.org/sites/default/files/attach/2016/10/climate-accountability-scorecard-full-report.pdf>.

⁹¹ THE ENERGY FOUNDATION, 2025 REPORT OF LOBBYIST EMPLOYER FORM 635, 7 (2025), <https://cal-access.sos.ca.gov/PDFGen/pdfgen.prg?filngid=3069795&amendid=0>.

⁹² See The Energy Foundation, 2015 IRS Form 990, PROPUBLICA (2015), <https://projects.propublica.org/nonprofits/organizations/943126848/201732269349301908/full>.

false appearance of independence and objectivity. Activist funding was disclosed⁹³ only after media reports identified the omissions.⁹⁴

2. EF-China engages in activities intended to “influence … any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States.” 22 U.S.C. § 611(o). EF-China’s website shows that it regularly issues reports and presentations on energy policy and climate change and hosts events aiming to influence government officials and the U.S. public on these issues.⁹⁵ For example:

- During an October 2023 visit to China, California Governor Gavin Newsom attended an EF-China-supported event titled “China-US Great Wall Climate Dialogue,” co-hosted by the Chinese People’s Association for Friendship with Foreign Countries and the California-China Climate Institute of the University of California at Berkeley.⁹⁶ Other reported attendees included Huang Runqiu, Chinese Minister of Ecology and Environment; Wang Lixia, Chairwoman of Inner Mongolia Autonomous Region; Dee Dee Myers, Director of the California Governor’s Office of Business and Economic Development; and EF-China’s CEO and President Zou.⁹⁷
- From November 2 to 4, 2023, EF-China hosted and facilitated climate change-related exchange activities in China between Chinese and American provinces, states, and cities.⁹⁸ More specifically, EF-China hosted a roundtable in Nanjing, China on “China-US Subnational Legislatures Cooperation,” with the theme “Collaborative Approaches to Addressing Climate Change.”⁹⁹ The roundtable was co-hosted by the Chinese People’s

⁹³ Steve Everley, *Columbia Journalism Review Faults Columbia, LA Times for Improper Disclosure of Anti-Oil and Gas Funding*, ENERGY INDEPTH (Dec. 3, 2015), <https://eidclimate.org/columbia-journalism-review-faults-columbia-la-times-for-improper-disclosure-of-anti-oil-and-gas-funding/>.

⁹⁴ See David Uberti, *Exxon-Columbia Spat Highlights Emerging Gray Area in Nonprofit Journalism*, COLUMBIA JOURNALISM REVIEW (Dec. 3, 2015), https://www.cjr.org/analysis/exxon_columbia_spat_highlights_emerging_gray_area_in_nonprofit_journalism.php.

⁹⁵ See generally *Reports*, ENERGY FOUNDATION CHINA, <https://www.efchina.org/Reports-en> (last visited Nov. 1, 2025); ENERGY FOUNDATION CHINA, <https://www.efchina.org/News-en> (last visited Nov. 1, 2025).

⁹⁶ *Energy Foundation China Facilitates a Series of Exchange Activities Between Provinces and States in China and the United States, with the Collective Aim of Promoting Local Climate and Low-Carbon Cooperation Between the Two Nations*, ENERGY FOUNDATION CHINA, <https://www.efchina.org/News-en/EF-China-News-en/news-efchina-20231107-en> (last visited Nov. 1, 2025).

⁹⁷ *Id.* While lobbying state officials is not directly covered by FARA, such activities can be covered where they are intended to influence the U.S. public opinion on issues of federal policy, *see* 22 U.S.C. § 611(o), or where they involve “dispens[ing] … money, or other things of value for or in the interest of such foreign principal,” *id.* § 611(c)(1)(iii) such as funding international travel. Indeed, DOJ recently indicted a NY state government official on FARA violations, apparently on the theory that she intended to influence U.S. public opinion on China and Taiwan by influencing meetings between New York and PRC and Taiwanese officials. *See United States v. Sun*, 24-cr-345 (E.D.N.Y); *see also id.* at Dk. 100 (denying motion to dismiss). Moreover, under the Biden administration, the FARA Unit explicitly warned that “paying travel costs and expenses of U.S. policymakers and media … to attend [Foreign Conference]” is registerable activity. DOJ, FARA Unit, *Advisory Opinion*, at 5 (Oct. 16, 2024), <https://www.fara.us/assets/html/documents/2024.10.16%20Advisory%20Opinion%20Agency%20processed.pdf>.

⁹⁸ *Id.*

⁹⁹ *Id.*

Association for Friendship with Foreign Countries, the Standing Committee of the Jiangsu Provincial People’s Congress, and the State Legislative Leaders Foundation. EF-China’s CEO and President Ji Zou delivered the keynote speech. According to EF-China, this event “invited more than ten representatives from the Standing Committees of People’s Congresses of the provincial, municipal and regional levels in China, including Jiangsu Province, Beijing and the Ningxia Hui Autonomous Region, as well as speakers from California, Georgia, Alabama, and Delaware in the United States.”¹⁰⁰ According to EF-China’s press release, during the roundtable discussions, “[p]rovincial and state legislative representatives in China and the United States unanimously acknowledge[d] the importance of fortifying local collaboration in the sphere of climate action.”¹⁰¹

- From October 28 to November 7, 2023, EF-China supported and participated in a U.S. Heartland China Association (“USHCA”) trip that brought six U.S. mayors from cities along the Mississippi River Basin to China.¹⁰² The trip, which was presented as “part of USHCA’s Yangtze-Mississippi Municipality Energy Transition Exchange project,” encouraged the U.S. mayors to share information and practices regarding “energy transition, climate mitigation, and green economy.”¹⁰³ During the trip, EF-China hosted a “Roundtable Discussion on New Growth Engines of Suzhou’s Economic Development in the Fifteenth Five-Year Plan” at Southeast University’s Yangtze River Delta Carbon Neutrality Strategy Development (Suzhou) Institute, and EF-China President Zou presented opening remarks alongside the then-mayor of Carmel, Indiana. In its official press release, USHCA officially thanked EF-China “for their support that made this delegation possible.”
- On December 8, 2023, EF-China hosted “China-U.S. Track II Dialogue” in Dubai as part of the EF-China COP28 Pavilion themed “Enhancing Ambition Through Implementation.”¹⁰⁴ The “meeting brought together over 30 guests, including government officials of China and the U.S. at the national, subnational, and local levels, as well as representatives from the civil society, think tanks, enterprises, and international philanthropies.”¹⁰⁵

¹⁰⁰ *Id.* (identifying the speakers from Delaware, Georgia and Alabama, as David Sokola, President Pro Tempore of the Delaware Senate; Jan Jones Speaker Pro Tempore of the Georgia House of Representatives; and Laura Hall, a State Representative of Alabama. The speakers from California were not identified).

¹⁰¹ ENERGY FOUNDATION CHINA, *supra* note 96.

¹⁰² Ben Ward, *U.S. Heartland Mayors Bridge the Mississippi and Yangtze Communities with Historic China Visit: Press Release*, U.S. HEARTLAND CHINA ASS’N (Nov. 24, 2023), <https://usheartlandchina.org/press-release/u-s-heartland-mayors-bridge-the-mississippi-and-yangtze-communities-with-historic-china-visit/>.

¹⁰³ *Id.*

¹⁰⁴ *China-U.S. Track II Dialogue Offers Recommendations for Sunnylands Statement Implementation*, ENERGY FOUNDATION CHINA, <https://www.efchina.org/News-en/EF-China-News-en/event-20231208-en> (last visited Nov. 1, 2025).

¹⁰⁵ *Id.*

In addition, while EF-China's former executive David Vance Wagner's has recently claimed that "the group doesn't fund or engage in activism, litigation or lobbying in any country,"¹⁰⁶ EF-China's own tax forms report that it in fact engages directly in lobbying in the United States on issues relating to energy and climate policy, although it failed to disclose any amounts spent on lobbying.¹⁰⁷

III. Conclusion

For the foregoing reasons, we respectfully submit that there is substantial evidence that ECF, CCI, and IGSD are acting as unregistered agents of foreign principal (including the Chinese government and other PRC-aligned foreign entities) in pursuing well-funded, coordinated efforts to undermine American energy independence through impact litigation, government lobbying, public relations campaigns, and funding the foreign travel of American politicians. This is exactly the sort of espionage-like, state-sponsored, covert influence campaign to prevent.

Nor does it appear that EF China or CCI's activities would be covered by any of FARA's exemptions.¹⁰⁸ In particular, the commercial exemption "will not apply if [the agent's] activities are directed by a foreign government or political party, or they directly promote the public or political interests of the foreign government or political party."¹⁰⁹ Here, EF-China's activities appear to be directed by the PRC and the CCP.¹¹⁰ And the activities of EF-China and CCI, outlined above, all promote the political interests of the PRC and the CCP, i.e., their interest in weakening U.S. energy independence and encouraging U.S. dependency on Chinese renewable energy.

Sincerely,



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¹⁰⁶ Michael Copley, *Ted Cruz claims without evidence that China is funding U.S. climate lawsuits*, NPR (Sept. 19, 2025), <https://www.npr.org/2025/09/19/nx-s1-5544339/climate-change-lawsuits-fossil-fuels>.

¹⁰⁷ See The Energy Foundation, 2024 IRS Form 990; The Energy Foundation, 2023 IRS Form 990, PROPUBLICA (2023), <https://projects.propublica.org/nonprofits/organizations/943126848/202403199349306005/full>.

¹⁰⁸ "The burden of establishing the availability of an exemption from registration under the Act shall rest upon the person for whose benefit the exemption is claimed." 28 C.F.R. § 5.300.

¹⁰⁹ DOJ, FARA Unit, *Frequently Asked Questions: What is the Commercial Exemption?*, <https://www.justice.gov/nsd-fara/frequently-asked-questions> (emphasis in original).

¹¹⁰ See *supra* Part I.C. and II.B.2.



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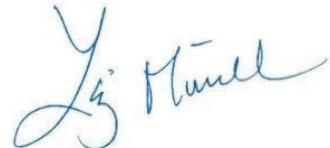
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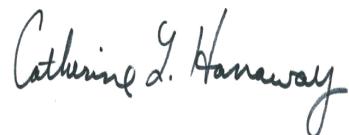
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